



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: April 22, 2008

Department: Zoning, Building, Planning **Staff Contact:** Adella Gallegos, Assoc. Program Planner

TITLE: CONSENT: Special Use Permit for a Power Plant (Solar Power Generation Facility)
(CSU-80013)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the April 2, 2008 public hearing, the County Planning Commission voted 5-0 (Becerra and Sanchez excused) to recommend approval of a Special Use Permit for a Power Plant (solar power generation facility) on Sections 8, 9, 16, & 17, T9N, R1E, NMPM, located immediately east of the Bernalillo County Detention Center, containing approximately 247 acres, and zoned A-1. The decision was based on the following six (6) Findings and subject to the following sixteen (16) Conditions.

Findings:

1. This is a request for a Special Use Permit for a Power Plant (solar power generation facility) on Sections 8, 9, 16, & 17, T9N, R1E, NMPM, located immediately east of the Bernalillo County Detention Center, zoned A-1 and containing approximately 247 acres.
2. The property is located in the Reserve Area of the Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan and Residential Area One (1) of the Southwest Area Plan.
3. The request is consistent with Resolution 116-86 in that changed neighborhood conditions have occurred in the immediate area of the site away from agricultural land use towards the development of institutional and commercial/industrial uses.
4. This request is consistent with Resolution 116-86 in that it is more advantageous to the community as articulated in the Albuquerque/Bernalillo County Comprehensive Plan, Energy Management Policies 3.a, 3.b. and 3.c. that call for undertaking of land use planning, and encouraging the use of alternative and renewable energy sources that will maximize potential for efficient use of alternative and renewable energy sources. The proposed solar generation facility is intended to provide a source of electricity that is both clean and renewable.
5. This request is consistent with Resolution 116-86 in that it is more advantageous to the community as articulated in Policies 32 and 47 of the Southwest Area Plan that call for the areas south of I-40

and west of Paseo del Volcan to be used as primary employment areas due to their location relative to transportation facilities and developed at “no net” cost to local government for infrastructure and waste use. Access to the subject site will be off of Shelly Road, and the site will be utilizing a private well and septic system.

6. This request is consistent with the health, safety, and general welfare of the residents of the County.

Conditions:

1. The applicant shall obtain a Surface Disturbance Permit from the City of Albuquerque Environmental Health Department prior to any earthmoving activities involving a parcel of $\frac{3}{4}$ of an acre or more. The applicant shall submit a copy of the permit to the Zoning Administrator for inclusion with the corresponding file.
2. The applicant, upon development, shall submit to the Office of Environmental Health proof of a drinking water system and wastewater system meeting the Bernalillo County Ordinance requirements, and submit a mosquito control plan for on-site ponding.
3. The applicant shall replat the subject property in order to create a legal lot of record. The necessary subdivision procedures shall be completed within 30 days of final approval from the Board of County Commissioners.
4. A grading and drainage plan shall be submitted to and approved by the Bernalillo County Public Works Division prior to final site plan approval. The volume of the proposed drainage retention pond must be increased and this may change the size and configuration of the pond area. The drainage plan shall be acceptable to the Bernalillo County Public Works Division and shall utilize either a graywater system or use of rainwater harvesting / low-impact techniques to supply supplemental landscape irrigation watering, as required by Bernalillo County Water Conservation Ordinance.
5. The applicant must provide an area on the site plan for future dedication of right-of-way meeting Bernalillo County Public Works Division approval prior to final site plan and platting approval.
6. If required, the applicant shall obtain from the State Engineer’s Office approval and/or permitting for the retention pond within six months of final Bernalillo County Commission approval. The applicant shall submit a copy of the statement to the Public Work Division and Zoning Administrator for inclusion with the corresponding file.
7. The applicant shall provide a small berm on the east edge of each of the service roadways to limit erosion and transport of soils off the flattened terrace area for each bank of solar panels and note the berm on the site plan.
8. Landscaping for the Special Use Permit shall meet the standards outlined in the Zoning Ordinance, including:
 - a. There shall be a landscaped buffer along Shelly Drive of no less than 30 feet as called in Policy 32.d. of the Southwest Area Plan.
 - b. There shall be a landscaped buffer of no less than six (6) feet along the portions of the property to the adjacent to residential uses.
 - c. A solid wall or solid fence at least six (6) feet high shall be erected along the portions of the property adjacent to residential uses, except for those sides abutting public right-of-way.

- d. All landscaped buffers shall incorporate both coniferous and deciduous trees, shrubs, and vegetation to achieve a minimum of 75 percent coverage and a largely opaque screen within two years of initial planting.
 - e. At the time of planting, all trees shall be a minimum of 1½-inch caliper measured at two feet above ground, and shrubs shall be a minimum of five gallons in size. The landscaped buffers shall also provide gravel coverage at a minimum depth of two inches, and shall be watered by a designated irrigation system.
- 9. Off-street parking spaces shall be provided, including the required number of parking spaces for disabled individuals as outlined within the Zoning Ordinance. All spaces shall meet the applicable size, designation, and accessibility requirements.
 - 10. All off-street parking areas on the property shall be surfaced with a durable material consisting of concrete or bituminous surface. Spaces shall be appropriately marked to indicate the location of the space.
 - 11. Signs provided in connection with the Special Use Permit shall meet the requirements of the O-1 zone, and shall be shown on a revised site plan that includes elevation drawings.
 - 12. Lighting shall be site-specific. Shielded or cutoff fixtures shall be provided to prevent fugitive light from crossing onto adjacent lots or public rights-of-way.
 - 13. A revised site development plan consistent with the Conditions of Approval shall be submitted for review and approval to the Zoning Administrator within two months of the final Board of County Commission approval. The revised site plan shall include the following:
 - a. The dimensions and locations of all easements must be accurately depicted.
 - b. Legal and acceptable access shall be shown on Shelly Road.
 - c. The PNM note shall be clarified and the easements widths property identified.
 - d. The parking for the substation, handicapped parking, existing swale, circulation road site and access points (widths) need to be properly identified.
 - e. Change “John Dantis Road” to “Shelly Drive”.
 - f. Identify the existing fencing on the west and south of the site and note the height and type of perimeter fencing proposed.
 - 14. This Special Use Permit shall be issued for 25 (twenty-five) years.
 - 15. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
 - 16. The foregoing Conditions of Approval shall become effective immediately upon execution or utilization of any portion of the rights or privileges authorized by this Special Use Permit.

ATTACHMENTS:

- 1. County Planning Commission Notice of Decision Letter (April 4, 2008)
- 2. County Planning Commission Information Packet
- 3. Site Plan (Commissioners Only)

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff Recommends Approval

VERSION 5.0